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SUBJECT: INTERNATIONAL MARITIME ORGANIZATION KUALA LUMPUR MEETING ON THE STRAITS OF MALACCA AND SINGAPORE, SEPTEMBER 18-20, 2006 (PART II)

REF: KUALA LUMPUR 1874

1. Summary: This cable conveys the full texts of four U.S. statements presented during the International Maritime Organization (IMO) Meeting on the Straits of Malacca and Singapore, September 18-20, 2006, in Kuala Lumpur. Reftel contains a summary report on the conference and the text of the formal Kuala Lumpur Statement adopted by participating countries. End Summary.

U.S. Delegation Statements

2. BEGIN TEXT OF VADM WURSTER'S PRESENTATION FOR SESSION 3:

THE PERSPECTIVE OF THE UNITED STATES AS A USER STATE
AND THE FUTURE OF COOPERATIVE EFFORTS TO ENHANCE MARITIME SECURITY
IN THE STRAITS OF MALACCA AND SINGAPORE

I am pleased once again to speak on behalf of the United States, a

fully committed partner in these significant collaborative efforts to enhance maritime safety, security and environmental protection in the Straits of Malacca and Singapore. I have met many of you in Jakarta and other forums. So I see many familiar faces, and many more new ones. I look forward to working with each of you over the course of the next several days as we address these important issues.

As the Secretary General said at last year's conference in Jakarta, "in today's world safety, security and environmental protection are intertwined and inseparable."

Clearly, efforts such as:

- The sustained efforts and achievements of the Tripartite Technical Experts Group on the Safety of Navigation,
- the 4th Tripartite Ministerial Meeting of the Littoral States on the Straits of Malacca and Singapore held just over a year ago on Batam Island,
- the combined efforts of the armed forces of the littoral States in contributing to the security of the Straits through the Malacca Straits Sea Patrols, the "Eyes in the Sky" maritime air patrols, and the Malacca Straits Patrol Standard Operating Procedures adopted last April,
- the Regional Agreement on Combating Piracy and Armed Robbery against Ships in Asia which entered into force just two weeks ago,

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- the continuing implementation of the International Ship and Port Facility Security Code,
- various ASEAN Regional Forum activities such as the workshop on Capacity Building for Maritime Security hosted by Japan last December,
- last month's 4 day table top exercise hosted by Malaysia's Ministry of Foreign Affairs,
- last year's IMO conference hosted by the government of Indonesia,
- and this year's IMO conference hosted by the government of Malaysia

...all combine to demonstrate willingness and ability to cooperate.

I commend in particular the cooperative efforts that Singapore, Indonesia and Malaysia have undertaken during the past year. These efforts build on previous successes and continue to improve the quality of safety, security and environmental protection in the Straits. They demonstrate a clear coordinated effort to protect these strategically important straits. The effectiveness of that cooperation has been recognized across the globe, to include the recent Lloyds' Joint War Committee's decision to remove a war-risk rating for merchant ships transiting the Straits precisely because of this improvement in security.

Collectively, we seek an effective framework at the political and operational levels that facilitates bilateral and multilateral progress toward achieving our shared goal of enhancing the safety, security and environmental protection of the Straits. As I said last year, this framework should facilitate enhanced awareness of the maritime areas, increased operational presence of littoral States to enhance deterrence, and improvement in their ability to affect timely response. It should also promote donor coordination and prevent redundancy.

The maritime industry and the marine transportation system are global ventures. We can best enhance the safety, security and environmental protection of the maritime sector through international collaborative partnerships. This is especially true for the Malacca and Singapore Straits, through which one third of

the world's shipping and half of its oil passes.

As we know, a disruption of shipping traffic through the Straits - whether through a navigation accident, catastrophic environmental mishap, or terrorist event - would have an immediate and substantial negative effect on the entire global economy. User states rely upon

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safe navigation and the unimpeded flow of shipping through the Straits. We must act together to maintain them.

Those committing unlawful acts against ships and seafarers in the Straits, however, have no respect for national sovereignty, freedom of navigation, or international law. These maritime criminals can exploit national maritime boundaries and remote areas within the territorial seas and archipelagic waters of nearby nations. The enforcement authorities of littoral States face a difficult challenge in thwarting this tactic of transnational criminals. It is our collective responsibility to assist littoral States in their efforts to enhance their capabilities, while fully respecting the sovereignty and sovereign rights of each of the littoral States. By this and other conferences and by bilateral and multilateral actions, we are demonstrating our shared responsibility to continuously strengthen cooperation among the littoral and user states and protect the safety, security and environment of the Straits.

In this regard, we welcome the continued commitment of the International Maritime Organization to promote collaborative efforts towards enhancing safety, security, and environmental protection in the Straits. I think we would all agree that the IMO is an organization well suited to address these complex issues. IMO involvement with its Member States ensures that arrangements are consistent with international law. In that connection, I congratulate those who are parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention). I urge those States that have not yet done so to ratify or accede to these very important 2005 Protocols to the SUA Convention that were adopted last October.

I am confident this conference will again serve as a benchmark toward enhancing safety, security and environmental protection in the Straits of Malacca and Singapore by building upon last year's conference and inter-sessional work, discussions and actions. We look forward in particular to the littoral States' ideas for establishing a new mechanism of cooperation with user States and other stakeholders in ensuring the safety and environmental protection of the Straits. By working together in this manner, we are sending a strong message of international cooperation and coordination to the international community. We also send a clear signal to criminal and terrorist elements that we will not tolerate their illegal acts that threaten to compromise the safety, security and environmental well-being of the Straits.

During the ASEAN Regional Forum hosted by Singapore last year and again in this forum, Secretary General Mitropoulos clearly articulated what the roles of the littoral and user States should be in protecting the Straits. The littoral States must play a central

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role in all collaborative efforts to ensure that their sovereignty is respected.

User States, likewise make a positive contribution to these collective efforts by participating in this process and, more importantly, assisting in capacity building. In our view, this collaborative approach:

- fosters trust,
- helps to build effective working relationships, and
- provides the basis for cooperative action. As a user state, the United States enthusiastically supports this approach.

As we move forward, we will be confronted by a number of challenges that will test our collective resolve. We are facing complex

issues:

- such as the use of inter-operative technology,
- the sharing of information,
- the development of additional common operating procedures,
- and the negotiation of bilateral and multilateral arrangements
- in order to achieve seamless connectivity.

These issues are not easy ones, nor are they insurmountable. We can overcome these obstacles by enhancing the process and framework already developed to organize our efforts and to provide a focus for making further substantive progress.

An effective framework that facilitates progress toward achieving that end supports:

- a forum for cooperative discussion and decision making among all stakeholders;
- information sharing and further regional cooperation;
- enhanced awareness of the maritime areas;
- increased operational presence of littoral States to enhance deterrence; and
- improvement in their ability to respond in a timely manner to all threats to the safety, security and environment of the Straits.

These vital elements are interrelated.

For example, enhancing deterrence requires an awareness of the location of a threat so that appropriate resources could be strategically positioned to provide a deterrent effect or to respond as necessary. Finding the threat means that information has to be shared freely and widely. Data such as:

- commercial ship characteristics,
- accurate cargo manifests,
- merchant ship crew lists,
- sailing times,
- destinations,
- and most importantly real-time data on ship locations especially

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when transiting the Straits,
are all critical to identifying potential threats.

By sharing this information, anomalies can be identified and the maritime information gaps can be quickly closed.

Additionally, when anomalies are detected or criminal activity uncovered, arrangements must already be in place to take action within the coastal marine geography of the Straits. Such cooperative arrangements will allow for the transparency of borders and timely access to national decision makers.

Along those lines, I applaud the littoral States' recent actions to enhance the safety, security and environmental protection in the Straits.

It is important to remember, however, that whatever new steps are considered -- whether they be tolls, pilotage, or something else -- these measures may not have the effect of denying, hampering or impairing the right of transit passage through the Straits. Any measure implemented must maintain the balance between the unimpeded flow of commerce and the safety and security of the waterways.

It is vital that we continue to build upon these recent developments and sustain our momentum. We recognize the littoral States have the responsibility to ensure the safety, security and environmental protection of the Straits, and we recognize the role and responsibility of the United States as a user state and a contributing nation is to assist the littorals in developing their capability and capacity to effect maritime safety, security and environmental protection. In preparation for this meeting, we hosted the Alameda conference last February of stakeholders to facilitate identification of possible assistance from many user States and industry that would enhance the capability and capacity of the littoral nations. We imagine that there will be a need for additional follow-on sessions for the littoral States to identify and prioritize their needs even beyond those we will hear about during this conference. Additionally, we will need to provide user States and the maritime industry an opportunity to identify possible

assistance they can provide in response to the needs identified by the littoral nations. And there must be a mechanism to ensure that the assistance is responsive to the identified needs, is interoperable, is sustainable, and is not duplicative.

The United States recognizes that the developing framework for enhancing the safety, security and environmental protection of the Straits must take into account all these complexities. We remain steadfast in our commitment to assist the littoral states and other stakeholders in developing a successful cooperative framework for the Straits.

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To demonstrate our support, at the appropriate time later during this meeting we will give our initial responses to the worthy projects the littorals have proposed to enhance the safety and environmental protection of the Straits.

We look forward to achieving our common goal of enhancing the safety, security and environmental protection of the Straits through the cooperative and collaborative efforts of littoral and user States.

END TEXT OF VADM WURSTER'S PRESENTATION FOR SESSION 3.

13. BEGIN TEXT OF VADM WURSTER'S PRESENTATION FOR SESSION 8:

EXPLORING MODALITIES FOR FUTURE COOPERATION

I have already presented our main points during session 3. I shall therefore limit my presentation to the subject of this session, exploring modalities for future cooperation.

The United States has listened with great interest to the proposal by the littoral States for the establishment of a co-operative mechanism between them and user States on the safety of navigation and environmental protection in the Straits of Malacca and Singapore.

The United States is particularly pleased that the proposal acknowledges the need for a mechanism to promote dialogue and facilitate close collaboration between the littoral States, user States and other interested parties, while at the same time fully respecting the sovereignty and territorial integrity of the littoral States.

We also agree that the proposed co-operative mechanism be progressed using as its foundation the TTEG on Safety of Navigation.

The proposal for a user States forum for cooperation is right on point. It would promote not only general dialogue between the littoral States and user States and other interested parties on issues of common interest within the remit of the TTEG, but, perhaps more importantly, provide a mechanism for concrete and meaningful collaboration among the littoral States and user States and other interested parties with an interest in contributing to the maintenance of safety of navigation and marine environmental protection of the Straits.

We particularly support the proposal to establish a "Project Co-ordinating Committee" under the TTEG to facilitate the implementation of projects. This would be an essential forum for interested parties to work out the details of the projects and

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modalities of support for their implementation. Such a collaborative forum is essential to ensure that support for the projects is meaningful, technically correct, coordinated, interoperable, mutually reinforcing, sustainable and neither duplicative nor incompatible.

We would encourage the Governments of the littoral States to establish the Project Co-ordinating Committee as soon as possible,

so that it will be in place to facilitate realization of the projects to be discussed in our next session.

END TEXT OF VADM WURSTER'S PRESENTATION FOR SESSION 8.

14. BEGIN TEXT OF VADM WURSTER'S INTERVENTION AT SESSION 9:

IDENTIFICATION AND PRIORITIZATION OF NEEDS OF PROJECTS ON SAFETY OF NAVIGATION AND ENVIRONMENTAL PROTECTION

We appreciate very much the presentations of the six projects. They are clearly suited to enhance the safety and environmental protection of the Straits.

As you may know, the United States, acting through the various departments of our government, from time to time, conducts professional exchanges, training opportunities, exercises, assistance, and other engagements with the various and sovereign nations of the region. Rather than enumerate these past events, I will address some of the projects that have been presented here in session 9.

We all recognize that it is difficult at this time for countries to commit definitively to support one or more of these worthy projects, given the short time we have had to consider them in relation to the budget and program planning cycles in our countries.

Nevertheless, the United States is interested in supporting portions of three of the projects.

The United States Coast Guard has particular expertise that could be helpful both to the HNS project and to the project to replace aids to navigation damaged by the tsunami, and looks forward to working with other countries to bring those projects to fruition.

The National Oceanic and Atmospheric Administration (NOAA), a part of the U.S. Department of Commerce, also has expertise that could be brought to bear on two of the projects.

The Hazardous Materials Response Division of NOAA's National Ocean Service's Office of Response and Restoration has particular expertise relevant to the HNS preparedness and response project.

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In addition, NOAA has an interest in the project to set up a tide, current and wind measurement system for the Straits of Malacca and Singapore. These instruments are not only vital tools to enhance the navigational safety and marine environment protection of the straits. They also can provide important real time information for the Global Ocean Observation System, and for weather forecasting and climate prediction.

We would be pleased if there were a mechanism in place to discuss these matters in greater detail with the project sponsors, so that we could then be in a position to determine how we could make definitive commitments.

In that regard, let me reiterate our support for the proposed cooperative mechanism described to us in session 7. We believe the "Project Co-ordinating Committee" would be an ideal forum for clarifying the details of the projects and the contributions that each party would be able to make. We view this as particularly important to ensure that all assistance is compatible, mutually reinforcing and not redundant.

One possibility in the near term would be for such a Project Co-ordinating Committee to meet in conjunction with the next meeting of the TTEG on Safety of Navigation.

Indeed we could envision the Project Co-ordinating Committee meeting more than once in the next half year or so, with a view to having the projects begun being implemented in a year's time.

END TEXT OF VADM WURSTER'S INTERVENTION AT SESSION 9.

15. BEGIN TEXT OF AMBASSADOR LAFLEUR'S CLOSING STATEMENT.

On behalf of the U.S. delegation, I would like to congratulate the IMO for organizing this second important meeting on enhancing the safety, security and environmental protection of the Straits of Malacca and Singapore.

I would also like to thank our host, the Government of Malaysia, for all its excellent preparations and efforts over the past three days. You have made the meeting go smoothly and materially facilitated its very positive results.

Earlier this meeting Vice Admiral Wurster conveyed U.S. views on the littoral and user States collaboration to enhance the safety and environmental protection of the Straits.

I want to take this opportunity to underline our continued support for the cooperative efforts that Indonesia, Malaysia and Singapore

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have taken over the past two years to enhance the safety, security and environmental protection of the Straits. I am confident that these efforts, with the continued support of user States and other interested parties, will be redoubled in the coming year.

The U.S. recognizes and respects the territorial integrity and sovereignty of the littoral States and accepts that, under the law of the sea and other international treaties, they have the responsibility for securing these vital sea lanes.

We welcome the continued commitment of the IMO to promote collaborative efforts toward enhancing the safety, security and environmental protection of the Straits. Under the leadership of Secretary-General Mitropoulos, this meeting has made very

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significant progress in achieving these goals.

It is important that we continue to build upon recent developments and sustain our momentum. Recognizing the role and responsibility of the United States as a user State and a contributing nation, we encourage and support follow-on meetings of stakeholders to enhance the capability and capacity of the littoral States.

At these future meetings, the user States can more clearly and definitively identify their assistance to meet the needs identified by the littoral States during this meeting.

The United States remains steadfast in its commitment to assist the littoral States and other stakeholders to operationalize a successful cooperative framework for the Straits.

Again, I want to thank and congratulate the IMO and our hosts, as well as all the delegates here, for your hard work and concrete progress.

Together we will continue to advance our common goal to enhance safety, security and environmental protection in the Straits of Malacca and Singapore.

END TEXT OF AMBASSADOR LAFLEUR'S CLOSING STATEMENT.

SHEAR